

REMARKS

This Reply is responsive to the non-final Office Action¹ of July 30, 2008. Claims 1-23 were presented for examination and were rejected. Claims 1, 11, 14-19 and 23 are amended. No new matter is added; support for the claim amendments appears in the specification as filed, for example, at least in paragraph [0048] and Fig. 4. No claims are added or canceled. Claims 1, 11, 14-19 and 23 are independent claims. Claims 1-23 are pending.

Claims 14-15 and 19 are rejected under 35 U.S.C. §103(a) as being un-patentable over Sydon et al., (2002/0085520, referred to hereinafter as “Sydon”) in view of newly-cited Koorapaty et al. (6,631,124, referred to hereinafter as “Koorapaty”). Claims 1-13, 16-17 and 20-23 are rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar et al. (2005/0018631, referred to hereinafter as “Sivakumar”) in view of Sydon further in view of Koorapaty. Claim 18 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Abdesslem et al. (2001/0022791, referred to hereinafter as “Abdesslem”) further in view of Koorapaty. Applicant respectfully traverses these rejections because Applicant’s claims are not disclosed or

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

suggested by the cited references taken individually, or in any reasonable combination,
for the following reasons.

First of all, Applicant maintains that Sivakumar and Sydon are insufficient for reasons previously given in prior responses, to which the Office Action refers as Applicant's brief remarks in papers dated 5/14/07 and 11/2/07 and Applicant's remark in paper dated 4/21/08. (Office Action, e.g., pgs 2 and 6). Applicant reasserts, and incorporates by reference herein, those remarks. Indeed, Sivakumar focuses on operational aspects of node transmission, not node reception. And, Sydon does not disclose or suggest establishing a different timeslot for each node for reception of messages only, much less for reception of any messages from all other nodes.

The Office Action applies newly-cited Koorapaty (col. 6, lines 34-39, and col. 7, lines 40-50) to teach assigning a timeslot to multiple terminals so that "the multiple terminals can send and receive messages on a single High Penetration timeslot." (Office Action, pg 3; emphasis in original). The Office Action further alleges that combining the High Penetration timeslot taught by Koorapaty with Sydon would: "allow multiple terminals the ability to send and receive messages from one another" during a single timeslot "when the system is experiencing high demand, as well as, optimizing system resources." (Office Action, pg 3, emphasis in original) That single timeslot 520 is shown in Koorapaty in its Fig. 5A, in which multiple terminals 1-n are permitted to send to, and receive from, each other, as expressed in the Office Action. The Office Action is thus relying on Koorapaty to teach multiple terminals sending and receiving messages from one another during the same timeslot 520. But, this is not what Applicant is claiming.

Consider first, for example, claim 1, which is rejected under 35 U.S.C. §103(a) as

being un-patentable over Sivakumar in view of Sydon further in view of Koorapaty.

Claim 1 recites, *interalia*: “using the assigned modulation scheme, transmitting the messages to one destination node within the plurality of nodes from all of the other of the plurality of nodes, the messages being transmitted during a timeslot assigned to the one destination node, the timeslot being other than a receiving timeslot for each of said all of the other of the plurality of nodes.” (emphasis added) Koorapaty does not teach that its high penetration timeslot is a receiving timeslot for only one of its nodes. Since the Koorapaty teaching is that multiple nodes send and receive messages to each other during a single timeslot, in view of the apparently admitted deficiencies of Sivakumar and Sydon in this regard, discussed below, the combination of Koorapaty with Sivakumar and Sydon cannot read on this limitation, because only one node can receive messages in a single timeslot in Applicant’s claim 1.

The Office Action, pg. 5, admits that Sivakumar does not show the transmitting and receiving steps of claim 1. The Office Action, pg 6, does not expressly confront Sydon’s inability to teach defining an assigned timeslot in which one node can only receive messages and refers to Applicant’s prior remarks. Applicant had previously requested the Examiner to point to exactly where in Sydon it discloses a timeslot assigned to a node for receiving, and not sending, messages, which has not been provided. Applicant submits that Sydon does not teach that. In any event, the Office Action relies on Koorapaty to allegedly teach transmitting messages from all of the other of the plurality of nodes to at least one destination node. However, as explained above,

Koorapaty teaches multiple nodes receiving multiple messages in the same timeslot which does not read on Applicant's claimed subject matter.

Accordingly, since Sivakumar does not teach this limitation, since Sydon does not teach this limitation and since Koorapaty does not teach this limitation, the combination of all three references also does not teach or disclose this limitation. Therefore, the 35 U.S.C § 103(a) rejection of claim 1 should be withdrawn and the claim allowed.

Independent claims 11, 16, 17, and 23 are also rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Sydon further in view of Koorapaty and are allowable for reasons similar to or the same as those given above for claim 1. Consider each claim, in turn:

Claim 11 recites *inter alia*: "a plurality of receivers configured to receive any messages transmitted from all other nodes in the plurality of nodes to the node during a timeslot assigned to the node; wherein said receiving timeslot assigned to the destination node is different from all other receiving timeslots, each assigned, respectively, to one of said all other nodes." This claim is allowable for the same reasons as, or similar reasons to, those given above for claim 1. Therefore, the 35 U.S.C § 103(a) rejection of claim 11 should be withdrawn and the claim allowed.

Claim 16 recites *inter alia*: "receiving, by a node in a network during a TDMA timeslot assigned to the node for receiving, any messages transmitted by all other nodes in the network to the node...wherein the timeslot assigned to the node is other than a receiving timeslot for said each of said all other nodes." This claim is allowable for the

same reasons as, or similar reasons to, those given above for claim 1. Therefore, the 35 U.S.C § 103(a) rejection of claim 16 should be withdrawn and the claim allowed.

Claim 17 recites *inter alia*: “receiving, by a node in a network during a TDMA timeslot assigned to the node for receiving, any messages transmitted by all other nodes in the network to the node...wherein the timeslot assigned to the node is other than a receiving timeslot for said each of said all other nodes.” This claim is allowable for the same reasons as, or similar reasons to, those given above for claim 1. Therefore, the 35 U.S.C § 103(a) rejection of claim 17 should be withdrawn and the claim allowed.

Claim 23 recites *inter alia*: “assigning a timeslot to each of said plurality of nodes, said timeslot being the time when said each of said plurality of nodes is capable of receiving messages from all other of said plurality of nodes and being a different timeslot from all receiving timeslots assigned, respectively, to said all other of said plurality of nodes.” This claim is allowable for the same reasons as, or similar reasons to, those given above for claim 1. Therefore, the 35 U.S.C § 103(a) rejection of claim 23 should be withdrawn and the claim allowed.

Claims 14-15 and 19 are rejected under 35 U.S.C. §103(a) as being un-patentable over Sydon in view of Koorapaty.

Claim 14 recites *inter alia*: “said messages transmitted by each of said more than one of the nodes in timeslots other than a receiving timeslot for said each of said more than one of the nodes, each said receiving timeslot being assigned, respectively, to a different one of said more than one of the nodes; and means for receiving in said one of the nodes any of the messages from all of the other nodes in the plurality of nodes, said

any of the messages being transmitted to said one of the nodes only during said receiving timeslot assigned to said one of the nodes.” (emphasis added) Sydon does not disclose or suggest at least receiving messages in one of its nodes from all of its other nodes, for reasons previously given in prior remarks, incorporated herein by reference. Further, Sydon or Koorapaty does not disclose or suggest at least “each said receiving timeslot being assigned, respectively, to a different one of said more than one of the nodes” for reasons given above.

Therefore, the combination of Sydon with Koorapaty does not disclose or suggest: “said messages transmitted by each of said more than one of the nodes in timeslots other than a receiving timeslot for said each of said more than one of the nodes, each said receiving timeslot being assigned, respectively, to a different one of said more than one of the nodes; and means for receiving in said one of the nodes any of the messages from all of the other nodes in the plurality of nodes, said any of the messages being transmitted to said one of the nodes only during said receiving timeslot assigned to said one of the nodes” as recited in claim 14. It is respectfully requested that the 35 U.S.C. § 103(a) rejection of claim 14 be withdrawn and the claim allowed.

Claim 15 recites *inter alia*: “transmit in timeslots other than a receive timeslot for said node, each of said plurality of nodes being assigned, respectively, a different receive timeslot.” Clearly, Koorapaty does not disclose or suggest that each node is assigned a different receive timeslot because it teaches that multiple nodes are sending and receiving in the same timeslot. This claim is allowable for the same reasons as, or similar reasons to, those given above for claim 14. Therefore, the 35 U.S.C § 103(a) rejection of claim 15 should be withdrawn and the claim allowed.

Claim 19 recites *inter alia*: “wherein said timeslot assigned to the destination

node, said timeslot assigned to the node, and each one of other receiving timeslots assigned, respectively, to a different one of said all other nodes, are all different timeslots.” Clearly, Koorapaty does not disclose or suggest that each node is assigned a different receiving timeslot because it teaches that multiple nodes are sending and receiving in the same timeslot. This claim is allowable for the same reasons as, or similar reasons to, those given above for claim 14. Therefore, the 35 U.S.C § 103(a) rejection of claim 19 should be withdrawn and the claim allowed.

Claim 18 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Abdesselem further in view of Koorapaty.

Claim 18 recites *inter alia*: “wherein the timeslot assigned to the one of the ultra-wide band radios is other than a receiving timeslot for each of said all other ultra-wide band radios.” Sivakumar does not disclose or suggest that each radio is assigned a different receiving timeslot. The Office Action (pg 19) apparently acknowledges Applicant’s prior incorporated-by-reference remarks that Sivakumar (and Abdesselem) does not teach defining when nodes can receive messages. Koorapaty teaches that multiple nodes are sending and receiving in the same timeslot and, thus, does not read on this claim limitation. Accordingly, claim 18 is not disclosed or suggested by a combination of Sivakumar, Abdesselem and Koorapaty. Therefore, the 35 U.S.C § 103(a) rejection of claim 18 should be withdrawn and the claim allowed.

Claims 2-22 are allowable, at least for reasons based on their respective dependency from claim 1.

Claims 12 and 13 are allowable, at least for reasons based on their respective dependencies from claim 11.

CONCLUSION

Reconsideration and allowance are respectfully requested based on the above amendments and remarks. It is respectfully submitted that all claims and, therefore, this application are in condition for allowance.²

If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at the number provided below.

To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. Please charge any other fees due, or credit any overpayment made to that account.

Verizon
Patent Management Group
1515 Courthouse Road, Suite 500
Arlington, VA 22201-2909
Tel: 703.351.3586
Fax 703.351.3665
CUSTOMER NO: 25,537
Date: January 18, 2009

Respectfully submitted,
/Joel Wall/
Joel Wall
Attorney for Applicant
Registration No. 25,648

² As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.